IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION NO. 8439 OF 1990

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the Civil Judge?

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M/S. KESAR PUMP CANNING P. LTD - Petitioner(s)
Versus
ECONOMIC DEVELOPMENT CORPN. & ORS. - Respondent(s)

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Appearance :
MRS.SANGEETA PAHWA for M/S. THAKKAR ASSOCIATES for Petitioner(s).
MR. PURVISH MALKAN for Respondent(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 22/11/2006

ORAL JUDGMENT

1. Smt.Sangeeta Pahwa, learned Counsel for the petitioners. Shri Purvish Malkan, learned Counsel for the Union of India, appears and submits that he has not received any instructions for either of the respondents.

2. The short case of the petitioners is that in accordance with the Government Policy, they were entitled to some subsidy and despite their entitlement, the subsidy has not been released.

3. From the reply, as contained in Annexure-E dated 16th January, 1990, it only appears that the subsidy amounting to Rs.1,52,625/- has been adjusted by the respondents against certain dues. Despite service of the notice in this matter, the respondents have not appeared to justify their claim and reply.

4. Under the circumstances, I have no reason to disbelieve the submissions made in this Writ Application. The petition is allowed. The respondents are hereby directed to release the subsidy within a period of four weeks. Rule is made absolute. No costs.

[R.S.Garg, J.]

*kamlesh**